

REMARKS

Applicant wishes to thank the Examiner for an indication of allowable subject matter with respect to claims 3, 6-13, and 15-18 and respectfully requests reconsideration of the present application in view of the reasons that follow. Claims 1-24 remain pending in this present application.

In the outstanding Office Action of April 24, 2007, the Examiner rejected claims 1, 2, 4, 5, 14, and 19-24 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,940,995 (Choi et al.) in view of the Examiner taking Official Notice. Applicant traverses the rejection for the reasons set forth below.

The Examiner asserted that Choi et al. teaches providing certificates of a first entity to be authenticated by a second entity on the basis of a certificate common to the first and second entities and classifying the certificates of the first entity as a function of probability that a second entity includes a given certificate. Applicant respectfully disagrees with the Examiner's position. In particular, Applicant submits that Choi et al. does not teach or even suggest authentication based on the basis of a common certificate, nor does Choi et al. disclose or contemplate classifying the certificates of the first entity as a function of probability that the second entity includes a given certificate.

Choi et al. is directed to a system and method for authenticating digital certificates for documents, where a document is either paper or electronic. (*See, e.g.*, Abstract, column 2, lines 22-32, column 4, lines 22-48, and column 11, line 62-column 12, line 64 of Choi et al.) Choi et al. also describes that some image/logo/certificate may be altered by embedding text or other information therein, and fraud or alteration of the certificate can be determined by extracting the embedded text, for example, and authenticating it. (*See, e.g.* Abstract, Figures 1-5, 10, and 11, column 3, lines 36-50, column 4, lines 1-19, and column 5, lines 26-62).

First, it is clear that the system and method of Choi et al. is directed to an entirely unrelated field of endeavor than that described in independent claims 1, 19, and 22 of the present application. For example, as already discussed above, Choi et al. clearly teaches certificate authentication in relation to documents, images, and text. Additionally, the

classifications assigned to Choi et al. and the class searches conducted in relation to Choi et al. by the US Patent and Trademark Office as well, e.g., classes 382, 283, 358, and 713, are all relevant to “Image Analysis,” “Printed Matter,” “Facsimile and Static Presentation Processing,” and “Cryptography” by “digital watermark,” respectively. In contrast, at least independent claims 1 and 19 explicitly disclose certificate authentication as it relates to entities within communication networks. Furthermore, Figure 6 and pages 1, 4, and 6 of the present application clearly describe that certificate authentication as disclosed in independent claims 1, 19, and 22 relate to the authentication between clients and servers, where clients, e.g., mobile devices are seeking communication services from a server. Therefore, Applicant submits that one of ordinary skill in the client-server/network authentication art would not even consider the teachings of Choi et al.

Even if one could associate authentication of document-based certificates with client-server communications in a network, Applicant submits that Choi et al. does not even hint at providing certificates on the basis of a certificate that is common to first and second entities, as required in claims 1, 19, and 22. Although the Examiner cited to column 5, line 63-column 6, line 14 to support his position that Choi et al. teaches such a feature, Applicant submits that no such description or suggestion exists. Column 5, line 63-column 6, line 14 of Choi et al. merely describes extracting embedded text based on a language of the certificate for authentication purposes. However, again, no mention is made of a certificate that is common to both a first and second entity. Therefore, Choi et al. fails to teach at least this feature of independent claims 1, 19, and 22 of the present application.

Furthermore, Applicant submits that Choi et al. makes no suggestion that classifying certificates of a first entity is done as a function of probability that a second entity includes a given certificate. To the contrary, Choi et al. is clear that classification of a certificate is based on (1) the kinds of language used in a certificate, e.g., English or some other language, and (2) whether an image-formed data is included in the certificate. (*See, e.g.*, column 6, lines 14-34 of Choi et al.) Applicant submits that neither or these conditions or factors is related to any sort of probability, let alone a probability that a second entity includes a given certificate.

The Examiner correctly recognized that Choi et al. does not specifically teach the remaining limitations of independent claims 1, 19, and 22 of the present application, i.e., in response to a certificate request by a second entity, submitting the classified certificate with highest probability to the second entity. However, the Examiner asserted that such a feature would be obvious to include in Choi et al. because such a feature is well known and necessary to achieve a secure and controlled environment. Applicant respectfully disagrees with the Examiner's position. In particular, Applicant submits that the Examiner has shown no evidence that such a feature is well known, and even if such a feature were well known, it would not have been obvious to include such a feature in the system and method of Choi et al.

As discussed above, Choi et al. is merely directed to embedding text in a certificate, where the embedded text can be extracted and authenticated. That is, there is no teaching or suggestion in Choi et al. that probability of the existence of a certificate in the first entity is ever considered or would/should be considered. In fact, nothing in Choi et al. even suggests that a first entity would have a plurality of certificates which could be transmitted to a second entity based on highest probability. According to Choi et al., a certificate with embedded text or image conversion is simply sent to some authenticating body, where the embedded text is extracted therefrom and authenticated. (*See, e.g.*, column 3, line 35-column 4, line 19). Therefore, Applicant submits that no sufficient reasoning exists that would support submitting a classified certificated with highest probability to a second entity in the system and method of Choi et al. Moreover, Applicant respectfully requests that the Examiner provide evidence that submitting a classified certificated with highest probability to a second entity is well known in the art if the Examiner wishes to maintain his position.

Because Choi et al., either separately or in light of the Examiner's position of Official Notice, does not teach all of the required limitations of independent claims 1, 19, and 22, Applicant submits that each of these claims are patentable over this prior art. Furthermore, because dependent claims 2, 4, 5, 14, 20, 21, 23, and 24 are each directly or indirectly dependent upon independent claims 1, 19, and 22, Applicant submits that each of these claims are allowable for at least the same reasons as discussed above.

Notwithstanding the above arguments made by Applicant, the Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check or credit card payment form being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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